

**CONGRESS OF THE UNITED STATES**  
**HOUSE OF REPRESENTATIVES**

June 22, 2022

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Re: James M. Gavin Power, LLC  
Cardinal Electric Cooperative  
Kyger Creek Station  
Miami Fort Power Plant  
W.H. Sammis Plant  
Zimmer Power Plant

Dear Administrator Regan,

I am writing you concerning the applications the U.S. Environmental Protection Agency (EPA) has received from the James M. Gavin Power, LLC, Cardinal Electric Cooperative, Kyger Creek Station, Miami Fort Power Plant, W.H. Sammis Plant, and Zimmer Power Plant for an extension allowed under the coal combustion and residual rule (CCR rule) for surface impoundment compliance.

All but one of these utilities have based their application for extension on the technical infeasibility to develop alternative disposal capacity within the current rule's timing. All utilities are requesting an extension allowed under the current regulation. All these utilities are needed sources of energy for the communities they serve.

The James M. Gavin Power plant has received a proposed denial. Formal dockets have not yet opened for the other utilities' applications. I believe it is important to address all of these applications and the implementation of the CCR Rule timing generally as well. A lack of extensions from EPA will affect 55,000 megawatts of electricity generation capacity across 19 states. Without extensions, coal fired power plants will have 135 days to stop placing waste in surface impoundments; effectively stopping coal-fired power generation within 135 days and suspending plant operations unless the utilities produce a demonstration that reliability will not be threatened through a yet to be defined reliability assessment.

Regional transmission operators, Midcontinent Independent System Operator (MISO) and PJM Interconnection (PJM) have submitted comments to the EPA supporting extension requests for utilities in their service areas in which the EPA has opened public comment dockets. MISO and PJM both have commented that implementation of the current rule may affect electric grid reliability. MISO has commented, "The loss of any significant portions of [the five plants in MISO's original comments not to

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mention other plants in MISO's service area] would push resource adequacy coverage of regional demands into dangerous territory."

PJM services my constituents in Ohio, and has commented that 29,000 megawatts or 16% of PJM's capacity resources may be impacted by the CCR Rule and requested, "[T]hat the EPA in consultation to PJM prepare to offer extensions to the extent necessary to address grid reliability issues. This is expressly contemplated in the CCR Rule and subsequent decisions issued related to its implementation." PJM concluded its comments further warning EPA, "[T]he EPA should not hard-wire a 135 day compliance period as such a timeframe could force planned outages to occur during summer peak months on the PJM system or give rise to other potential reliability concerns." Comments submitted by the American Public Power Association, Large Public Power Council, and electric cooperatives all voiced concerns over the threats to electricity grid reliability from current implementation of the CCR Rule if EPA were to deny requested extensions under the rule by at least 54 electric utilities.

On June 2, the *Washington Post* featured a story titled, "A summer of blackouts? Wheezing power grid leaves states at risk." The story featured a quote from North American Electric Reliability Corporation CEO Jim Robb commenting, "We are seeing these retirements [from coal plants] occur at a faster pace than expected." MISO chief executive John Bear commented for the story, "We are moving in that direction [decarbonizing the electricity generating fleet]. Unfortunately, we are moving in that direction quite quickly, and I am worried about the transition."

With so many plants requesting extensions as is allowed under the current CCR Rule and with national experts from RTO's, NERC, and associations representing the electric generating sector strongly voicing their concerns about the implementation of the CCR's impact on the reliability of our grid without regard to requests from the utilities which keep communities powered, I request that EPA simply grant the extensions from the utilities and subsequently work with the RTOs and industry experts on the timing of the CCR Rule and other EPA regulations to ensure our electric generating capacity is not unnecessarily threatened.

I look forward to your response and attention to this crucial matter.

Sincerely,

A handwritten signature in black ink that reads "Bill Johnson". The signature is written in a cursive, flowing style.

Bill Johnson  
Member of Congress